

Message Text

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ORIGIN EB-07

INFO OCT-01 ISO-00 L-02 JUSE-00 PCH-02 RSC-01 /013 R

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DRAFTED BY EB/CBA/BP:RJBUSHNELL:VJW

APPROVED BY EB/CBA/BP:HJWINTER

L/EB:PTRIMBLE(DRAFT)

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JUSTICE:DROSENTHAL(DRAFT)

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON PRIORITY

INFO USMISSION OECD PARIS BY POUCH

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E.O. 11652: N/A

TAGS: ETRD, US, UK

SUBJECT: ANTITRUST: INTEROX CHEMICALS, LTD.

1. IN CONNECTION WITH AN INVESTIGATION INTO POSSIBLE VIOLATIONS OF US ANTITRUST LAWS, THE JUSTICE DEPARTMENT WOULD APPRECIATE PROMPT DELIVERY BY THE EMBASSY OF THE FOLLOWING LETTER TO THE BRITISH COMPANY, INTEROX CHEMICALS, LTD:

2. QUOTE: INTEROX CHEMICALS LTD., P.O. BOX 6, LUTON LU 4 8HL, BEDFORDSHIRE, ENGLAND, ATTENTION: DAVID MARGETTS
DEAR MR. MARGETTS: WE WISH TO ADVISE YOU THAT THE UNITED STATES DEPARTMENT OF JUSTICE IS OFFICIALLY ATTEMPTING TO DETERMINE WHETHER THERE HAVE BEEN VIOLATIONS OF U.S. FEDERAL ANTITRUST LAWS INVOLVING THE MANUFACTURE, SALE AND DISTRIBUTION OF CERTAIN CHEMICALS.

IN THAT REGARD WE BELIEVE THAT AT A MEETING AT A LONDON AIRPORT IN JUNE, 1973, YOU EXHIBITED TO ONE OR MORE EMPLOYEES OF FMC CORPORATION A DOCUMENT WHICH WE ARE INTER-
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ESTED IN EXAMINING. WE BELIEVE THE DOCUMENT WAS APPROXI-

MATELY TWO PAGES LONG, WAS ON PINK PAPER AND RELATED TO A MEETING TWO OR THREE YEARS EARLIER BETWEEN OFFICERS AND EMPLOYEES OF INTEROX OR LAPORTE AND FMC WITH RESPECT TO SHIPMENTS OF PEROXYGEN CHEMICALS INTO THE UNITED STATES. WE WOULD APPRECIATE YOUR SENDING THE ORIGINAL OF THAT

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DOCUMENT TO US, OR IF THAT IS NOT FEASIBLE, A COPY THEREOF. IN VIEW OF THE TIMING OF THE INVESTIGATION, WE WOULD APPRECIATE YOUR RESPONSE BY DECEMBER 2, 1974. WE CAN ASSURE YOU THAT THE DOCUMENT WILL REMAIN IN OUR CUSTODY DURING THE INVESTIGATION AND WILL BE ACCORDED THE CONFIDENTIAL TREATMENT WHICH IS APPLICABLE TO THE INVESTIGATIVE FILES OF THE DEPARTMENT OF JUSTICE.

IN ADDITION, WE ARE ALSO ANXIOUS TO INTERVIEW OFFICIALS OF INTEROX OR RELATED BUSINESSES INCLUDING LAPORTE, WHO MAY HAVE BEEN INVOLVED IN DISCUSSIONS RELATING TO ACTUAL OR POTENTIAL COMPETITION WITH FMC IN THE UNITED STATES OR IN OTHER MARKETS. IT WOULD BE VERY HELPFUL IF WE COULD OBTAIN INFORMATION FROM YOU OR OTHER OFFICIALS WITH RELEVANT INFORMATION BEFORE FINAL DECISION IS MADE WITH RESPECT TO VIOLATIONS OF THE ANTITRUST LAWS. WE HOPE THAT SUCH PERSONS WOULD BE ABLE TO COME TO THE UNITED STATES AND BE INTERVIEWED, AND THAT THEY MIGHT ALSO CONSENT TO GIVE EVIDENCE IN A FORMAL PROCEEDING, SUBJECT OF COURSE TO THOSE GRANTS OF IMMUNITY FROM PROSECUTION APPROPRIATE UNDER AMERICAN LAW. YOU OR OTHER SUCH OFFICIALS ARE PLANNING TO BE IN THE UNITED STATES IN THE NEAR FUTURE, PLEASE ADVISE US OF PROPOSED SCHEDULES. IT WOULD BE HELPFUL IF A MEETING COULD BE ARRANGED FOR WITHIN THE NEXT THIRTY DAYS. AMERICAN LAW PROVIDES FOR FUNDS TO DEFRAY THE EXPENSES OF PERSONS TRAVELING TO PROVIDE EVIDENCE IN FEDERAL PROCEEDINGS.

WE WISH TO EMPHASIZE THAT THIS LETTER IS A REQUEST FOR VOLUNTARY SUBMISSION OF DOCUMENTS AND IS NOT A SUBPOENA, COURT ORDER OR ADMINISTRATIVE DIRECTIVE. WE WISH ALSO TO ADVISE THAT YOU OR YOUR COMPANY COULD BE A DEFENDANT IN ANY PROSECUTION WHICH MAY ARISE FROM THIS INVESTIGATION BASED ON THE EVIDENCE OF OTHERS, EVEN IF YOU DECLINED

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TO GIVE EVIDENCE IN CONNECTION WITH THIS PROCEEDING. ON THE OTHER HAND, WE CAN TAKE INTO ACCOUNT THE FACT OF VOLUNTARY COMPLIANCE IN MAKING DECISIONS CONCERNING THE DISPOSITION OF INVESTIGATIONS OR CASES.

YOUR COURTESY AND ASSISTANCE IN THIS MATTER WILL BE GREATLY APPRECIATED. IF YOU HAVE ANY QUESTIONS CONCERNING THIS REQUEST WE WOULD BE PLEASED TO COMMUNICATE OR

MEET WITH YOU, YOUR COMPANY REPRESENTATIVES, OR ANY LEGAL COUNSEL RETAINED IN REGARD TO ANY ASPECT OF THIS SUBJECT. SINCERELY YOURS, THOMAS E. KAUPER, ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION, BY: PETER H. GOLDBERG, ATTORNEY, DEPARTMENT OF JUSTICE. UNQUOTE

3. PLEASE INFORM DEPARTMENT PROMPTLY OF DATE OF DELIVERY, NAME AND TITLE OF PERSON ACCEPTING THE LETTER, AND ANY REACTION BY THE RECIPIENT.

4. ALTHOUGH JUSTICE LETTER IS ONLY A REQUEST FOR VOLUNTARY COOPERATION, IT ALSO POINTS OUT THAT EITHER MARGETTS OR INTEROX MIGHT BE A DEFENDANT IN ANY PROSECUTION WHICH MAY ARISE IN THIS INVESTIGATION. ACCORDINGLY, IT WOULD SEEM APPROPRIATE AND IN THE SPIRIT OF THE 1967 OED RECOMMENDATION CONCERNING INTERNATIONAL ANTITRUST COOPERATION TO INFORM BRITISH ANTITRUST AUTHORITIES.

5. EMBASSY REQUESTED TO INFORM DEPARTMENT OF TRADE AND INDUSTRY OF THE REQUEST, EITHER ORALLY OR BY COPY OF THE JUSTICE LETTER (OMITTING REFERENCE TO FMC CORPORATION). IF QUESTIONED BY BRITISH OFFICIALS, EMBASSY SHOULD NOTE THAT THE DEPARTMENT IS NOT TAKING A POSITION REGARDING ANY LIMITATIONS IMPOSED BY US LAWS RELATING TO JURISDICTION. PLEASE REPORT SIGNIFICANT HOST GOVERNMENT REACTIONS.

6. ORIGINAL, SIGNED JUSTICE DEPARTMENT LETTER BEING AIRPOUCHED TO EMBASSY FOR DELIVERY TO INTEROX AS SOON AS RECEIVED. INGERSOLL

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Draft Date: 20 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: RJBUSHNELL:VJW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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To: LONDON
Type: TE
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